

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 21 November 1995
Name of applicant/court: Stephen Bell
Applicant to the Labelling Body: Not Applicable
Title of Publication: Untitled
Other Known Titles: Storm 2/Storm 3 (Part) GIFS 5
Director: Not Applicable
Producer: Not Applicable
Publisher: Not Applicable
Author: Not Applicable
Format: Computer Disk 3 1/2"
Country of Origin: Not Applicable
Language: English

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reasons(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer disk contains eight still photographic images of female nudity and sexual activity. Three of these images focus upon the naked body of a young woman in her mid teens engaging in sexual activity with three men. The location of these images in a publication intended for sexual arousal tends to promote the exploitation of young persons for sexual purposes.

In regard to the submission received by the OFLC, it is noted that the publication is intended for the private use of the submitter. It is also recognised that the submitter wishes to use the publication in relation to his professional interest in the censorship of computer networks and bulletin-board systems.

In considering the New Zealand Bill of Rights Act 1990 (NZBR Act), it is noted that the submitter has the "... freedom to seek, receive, and impart information and opinions of any kind in any form." under s14 of the NZBR Act. This right is subject to "...only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" in accordance with s5 of the NZBR Act. Section 3(2) of the Act deems publications objectionable that promote or support, or tend to promote or support, the exploitation of children, or young persons, or both, for sexual purposes. It is further noted that s6 of the NZBR Act states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning." However, s3(2) of the Act cannot be given an interpretation consistent with the freedoms set out in s14 of the NZBR Act. Therefore, the publication is classified as objectionable.

OFLC Ref: 9400916